

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

TONY BARNES

Plaintiff

v.

MONTGOMERY COUNTY,  
MARYLAND, et al.

Defendants

Civil No. AW-09-CV-2507

**JOINT PROPOSED MODERN FEDERAL  
JURY INSTRUCTIONS**

Plaintiff, Tony Barnes, and Defendants, Montgomery County, Maryland, and Montgomery County police officers Ringo Lagos, Sandra Moss, and Brandon Wyzga, by and through their undersigned attorneys, propose the following Modern Federal Jury Instructions, and Maryland Pattern Jury Instructions:

**Proposed Modern Federal Jury Instruction List:**

MFJI 71-1	Juror Attentiveness
MFJI 71-2	Role of the Court
MFJI 71-3	Role of the Jury
MFJI 71-4	Juror Oath
MFJI 71-5	Jury to Disregard Court's View
MFJI 71-6	Conduct of Counsel
MFJI 71-7	Reprimand of Counsel for Misconduct (only if needed)
MFJI 71-8	Common Counsel and Counsel Cooperation
MFJI 71-9	Race, Religion, National Origin, Sex or Age
MFJI 71-10	Sympathy
MFJI 74-1	What Is and Is not Evidence
MFJI 74-2	Direct and Circumstantial Evidence
MFJI 74-4	Stipulation of Facts
MFJI 74-13	Interrogatories
MFJI 74-14	Depositions
MFJI 76-1	Witness Credibility

MFJI 76-2	Bias
MFJI 76-3	Interest in Outcome
MFJI 76-4	Discrepancies in Testimony
MFJI 76-5	Impeachment by Prior Inconsistent Statements
MFJI 77-1	Consider Damages Only if Necessary
MFJI 77-2	Multiple Claims – Multiple Defendants
MFJI 77-3	Compensatory Damages
MFJI 77-4	Calculation of Past Damages
MFJI 78-1	Right to See Exhibits and Hear Testimony; Communications With Court
MFJI 78-3	Duty to Deliberate/Unanimous Verdict
MFJI 78-4	Deadlock Charge: Reaching Agreement
MFJI 78-5	Selection of Foreperson
MFJI 78-6	Return of Verdict
MFJI 78-9	Special Verdict
MFJI 87-65	The Statute; 42 U.S.C. §1983
MFJI 87-66	Purpose of the Statute
MFJI 87-67	Plaintiff's Burden of Proof
MFJI 87-68	Essential Elements of a Section 1983 Claim
MFJI 87-69	Definition – Action Under Color of State Law
MFJI 87-70	State Official Acting Under Color of State Law as a Matter of Law
MFJI 87-74	General Instruction – Deprivation of Right
MFJI 87-74A	Unlawful Arrest
MFJI 87-74C	Excessive Force
MFJI 87-74E	Malicious Prosecution
MFJI 87-75	State of Mind --General
MFJI 87-76	State of Mind--Intentional
MFJI 87-77	State of Mind--Recklessness
MFJI 87-79	Proximate Cause--Generally
MFJI 87-79A	Short Form Section 1983 Instruction (Excessive Force) (substitute “police officer” for “corrections officer”)
MFJI 87-86	Qualified Immunity
MFJI 87-87	Compensatory Damages
MFJI 87-88	Nominal Damages
MFJI 87-89	Causation of Damages
MFJI 87-91	Double Recovery and Compensatory Damages

Maryland Pattern Jury Instructions:

MPJI 15:2	Battery
MPJI 15:5	Battery – Affirmative Defenses – Police Officers
MPJI 15:6	False Imprisonment and Arrest – Definitions
MPJI 15:9	False Imprisonment-Arrest Without a Warrant-Police Officer
MPJI 15:10	False Arrest-Police Officer-Qualified Immunity
MPJI 17:1	Malicious Prosecution (Elements of Liability)

Plaintiff's Proposed Additional Maryland Pattern Jury Instructions:

MPJI 17:4 Malice

Defendants' Proposed Additional Modern Federal Jury Instructions:

MFJI 76:6 Impeachment by Felony Conviction

Defendants reserve the right to offer or modify their proposed instructions to conform to the evidence introduced at the trial.

Respectfully submitted,

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/s/

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